

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

I. Status of the Claims

Claim 1 has been amended.

No new matter is added.

Claims 1-8 are currently pending.

Applicants note that the Examiner has indicated in the Advisory Action mailed October 1, 2008 that the amendments filed September 12, 2008 have been entered. Thus, all amendments and arguments follow from that response.

II. Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 2, and 5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,061,443 to Black et al. (“Black”). Applicants respectfully submit that Black does not anticipate the presently claimed invention.

Independent claim 1 has been amended to recite a suction valve including a flexible vane having a higher bending region “wherein the flexible vane is configured to distribute opening forces along the higher bending region allowing the flexible vane to be bent along the higher bending region in an open position.” It is respectfully submitted that Black does not suggest or disclose at least this feature of the presently claimed invention.

Black describes a variable stroke compressor having inlet reeds 147. In asserting that Black anticipates the presently claimed invention, the Examiner relies on Figure 5, a cross-sectional illustration showing the inlet reed valve disc having inlet reeds 147. Applicants thank the Examiner for the depiction of Figure 5 included in the Office Action clarifying the Examiner’s assertions. However, Applicants respectfully disagree with the Examiner’s assertions.

The reeds 147 merely control the “flow of refrigerant through the suction inlet ports 145 in accordance with standard practice.” *See* Black, col. 4, lines 55-58. Black is silent regarding the

specific operation of the inlet reeds 147 and its associated structure. Further, the portion of the inlet reed 147 that the Examiner asserts is comparable to the “higher bending region” of the presently claimed invention is a small fraction (approximately less than a tenth) of the “Bending median portion” the Examiner indicates on the Examiner’s depiction. Accordingly, this structure could not distribute opening forces and allow the reed “to be bent” along this region as claimed in independent claim 1.

Accordingly, for at least the reasons described above, Applicants respectfully submit that Black does not anticipate claim 1, and request that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

Claims 2 and 5 depend from claim 1. By virtue of their dependency, and for at least the reasons described above, Applicants respectfully submit that Black does not anticipate claims 2 and 5, and request that the rejection of claims 2 and 5 under 35 U.S.C. §102(b) be withdrawn.

III. Claim Rejections – 35 U.S.C. § 103(a)

Claims 3, 4, and 8 have been rejected under 35 U.S.C. §103(a) as being obvious over Black in view of U.S. Patent No. 4,764,091 to Ikeda et al. (“Ikeda”).

Claims 3, 4, and 8 depend from claim 1, and Ikeda does not cure the deficiencies of Black. Accordingly, for at least the reasons described above, Applicants respectfully request that the rejection of claims 3, 4, and 8 under 35 U.S.C. §103(a) be withdrawn.

Claims 6 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Black in view of the Examiner’s statement of ordinary skill in the art. Claims 6 and 7 depend from claim 1, and the Examiner’s statement of ordinary skill in the art does not cure the deficiencies of Black. Accordingly, for at least the reasons described above, Applicants respectfully request that the rejection of claims 6 and 7 under 35 U.S.C. §103(a) be withdrawn.

Claim 2 has been further rejected under 35 U.S.C. §103(a) as being obvious over Black in view of U.S. Patent No. 5,266,016 to Kandpal. Claim 2 depends from claim 1, and Kandpal does not cure the deficiencies of Black. Accordingly, for at least the reasons described above, Applicants respectfully request that the rejection of claim 2 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the pending application is in condition for allowance and earnestly solicit same. If the Examiner believes there are any remaining issues which can be resolved by a Supplemental Amendment or an Examiner's Amendment, the Examiner is respectfully requested to telephone the undersigned at the telephone number indicated below.

Dated: November 12, 2008

Respectfully submitted,

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